

REMARKS

Claims 1-21 are currently pending in the application. Claims 1, 3, 6, 13 and 17 have been amended. No new matter has been added. Reconsideration of the claims is respectfully requested.

In paragraphs 2-4 on page 2 of the Office Action, claims 1 and 3 were rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. The Office Action suggests that the annuloplasty ring and the handle lack sufficient antecedent basis. The Applicants respectfully disagree and point out that in the preamble an annuloplasty ring is set forth and a handle is also set forth on line 6 of claim 1. The Applicants request that the rejection of claim 1 for failing to provide antecedent basis for the features recited above be withdrawn.

Claim 3 has been amended to provide correct antecedent basis and to broaden the scope of the claim. The Applicants believe that claim 3 complies with 35 U.S.C. § 112, second paragraph, and request that the rejection there under be withdrawn.

The Office Action also suggests that the annuloplasty ring and the handle are not positively recited. The Examiner is correct in assuming that the annuloplasty ring and the handle are not positively recited in claim 1, but rather an apparatus for holding an annuloplasty ring and having features adapted to interact with a handle and an annuloplasty ring. Regarding the handle, the handle is not positively recited until claim 12. This shows that the handle is not positively recited in claim 1. The Applicants believe that claim 1 complies with 35 U.S.C. § 112, second paragraph, and request that the rejection there under be withdrawn.

In paragraph 6 on page 3 of the Office Action, claims 1-8 and 10-20 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Garrison.

To anticipate a claim, a reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their features, must be found in the cited reference to maintain a

rejection based on 35 U.S.C. § 102. Applicants respectfully submit that Garrison does not teach every element of claims 1 and 17, and therefore fails to anticipate claims 1 and 17.

The Applicants note that reference numbers 38 and 44 appear to have been assigned as plural structures in the Office Action. For example, Applicants' reference number 38 is referred to as spring 38 and alternatively as abutting surface 38, and reference number 44 is referred to as release mechanism 44 and knob 44, all on page 3. The Applicants respectfully disagree with the Office Action characterization of the reference numbers and submit that each of the elements set forth in the Applicants' invention, i.e., spring, abutting surface, release mechanism and knob are all distinct and separate elements and should be interpreted according to the "plain meaning" of the words of the claim. MPEP 2111.01 The Applicants request that the "plain meaning" of the words of the claims be applied unless defined otherwise in the specification.

Claim 1, as amended, is directed to an apparatus for holding an annuloplasty ring. The apparatus includes a holder body (e.g., 12) configured to the annuloplasty ring (e.g., 8). The apparatus also includes a handle coupling (e.g., 14) mounted with the holder body (e.g., 12) to couple the holder body (e.g., 12) to the handle (e.g., 28). The apparatus also includes a release mechanism (e.g., 16) coupled to the handle coupling (e.g., 14) to release the handle (e.g., 28) from the handle coupling (e.g., 14).

Garrison discloses a holder 70 for an annuloplasty ring (Fig. 5). The holder body 72 has a top surface 78 on which is disposed a handle coupling 80 (Fig. 5 and col. 14, lines 4-6). Garrison discloses a delivery handle 10 having a shaft 20 with a holder coupling 26 mounted to a distal end 22 of the shaft 20 (Figs. 1-4, col. 12, lines 19-38). A slidable actuation button is mounted to handle 28 and is linked to holder coupling 26 so that moving the actuation button 30 pivots holder coupling 26. The holder coupling includes a base 32 mounted to the distal end of the shaft 20. A leaf spring 38 has a free distal end to which is mounted a catch 44 stepped outwardly and upwardly from leaf spring 38 to define a proximally facing surface 46. Catch 44 serves to retain a prosthesis holder on holder coupling 26 (Figs. 1-4, col. 12, lines 19-38).

Garrison is different from the invention of claim 1, as amended, because Garrison discloses a delivery handle having a shaft with a holder coupling mounted to a distal end

of the shaft whereas the Applicants set forth a handle coupling mounted with the holder body to couple the holder body to the handle. In Garrison, the holder coupling is mounted to the handle. In contrast, the claimed invention discloses a handle coupling mounted to the holder body.

Garrison is also different from the invention of claim 1 because Garrison teaches a slidable actuation button mounted to the handle and linked to the holder coupling of the handle so that moving the actuation button pivots the holder coupling of the handle. In contrast, the Applicants claim a release mechanism coupled to the handle coupling of the holder body to release the handle from the handle coupling. In Garrison, the actuation button is mounted on the handle, however, the Applicants disclose a release mechanism mounted to the holder body.

For at least the reasons set forth above, Garrison fails to teach all the elements of claim 1 and therefore does not anticipate the claim. Thus, claim 1 is allowable over Garrison. The Applicants request that the rejection of claim 1 under 35 U.S.C. § 102 (b) over Garrison be withdrawn.

Dependent claims 2-8 and 10-16, which are dependent from independent claim 1, were also rejected under 35 U.S.C. § 102(b) as being unpatentable over Garrison. While Applicants do not acquiesce to the particular rejections to these dependent claims, it is asserted that these rejections are moot in view of the remarks made in connection with independent claim 1. These dependent claims include all of the features of their respective base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited reference. Therefore, dependent claims 2-8 and 10-16 are not anticipated by Garrison and are allowable over the cited reference.

Claim 17, as amended, is directed to a handle (e.g., 28) for coupling to an apparatus used in implanting a heart prosthetic. The apparatus includes an elongated shaft (e.g., 60). The elongated shaft (e.g., 60) having a gripping portion (e.g., 62) coupled to one end. The gripping portion including ribs. The apparatus also includes a tip (e.g., 26) coupled to the other end of the shaft. The tip (e.g., 26) includes a protuberance (e.g., 24) configured to be locked in the apparatus and an abutting surface (e.g., 46) configured to abut the apparatus (see Fig. 2, for example).

Garrison discloses in Figs. 1-4, a delivery handle 10 including a shaft 20, a holder coupling 26 at distal end 22, and a handle 28 having an actuation button 30 disposed at a proximal end 24. The holder coupling 26 includes a leaf spring 38 and a catch 44. The leaf spring 38 has a free end which is attached to the catch 44. The catch 44 serves to retain a prosthesis holder on holder coupling 26 of the delivery handle 10.

Garrison is different from the invention of claim 17 because Garrison discloses a catch whereas the Applicants claim a protuberance. In contrast to the Applicants' claimed protuberance, Garrison discloses an L-shaped catch member. Garrison does not disclose a protuberance.

The catch of Garrison has a different structure than the claimed protuberance therefore performs a different function. The catch of Garrison is adapted to engage and retain a prosthesis holder whereas the protuberance of claim 17 is adapted to be engaged and retained by a release mechanism on the holder body. Therefore, the catch of Garrison is different from the Applicants' claimed protuberance.

For at least the reasons set forth above, Garrison fails to teach all the elements of claim 17 and therefore does not anticipate the claim. Thus, claim 17 is allowable over Garrison. The Applicants request that the rejection of claim 17 under 35 U.S.C. § 102 (b) over Garrison be withdrawn.

Dependent claims 18-20, which are dependent from independent claim 17, were also rejected under 35 U.S.C. § 102(b) as being unpatentable over Garrison. While Applicants do not acquiesce to the particular rejections to these dependent claims, it is asserted that these rejections are moot in view of the remarks made in connection with independent claim 17. These dependent claims include all of the features of their respective base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, dependent claims 18-20 are not anticipated by Garrison and are allowable over the cited reference.

In paragraph 10 on page 4 of the Office Action, claims 9 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrison in view of Rhee.

Rhee fails to remedy the deficiencies of Garrison. Rhee discloses a valve sizer 20 connectable with a surgical handle 22. The sizer 20 has a coupling portion 24 and a sizing portion 26. The handle 22 and the sizer 20 are connectable via threaded

members 46 and 48. However, Rhee does not disclose a handle coupling mounted with the holder body to couple the holder body to the handle, a release mechanism coupled to the handle coupling of the holder body to release the handle from the handle coupling, or a knob adapted to be engaged and retained by a release mechanism on the holder body as set forth in independent claims 1 and 17.

For at least the reasons set forth above, the Applicants assert that the proposed combination of Garrison and Rhee fails to make obvious the invention taught in claims 1 and 17, and therefore also fails to make obvious dependent claims 9 and 21. Therefore, claims 9 and 21 are also allowable over the proposed combination of Garrison and Rhee. The Applicants request that the rejection of claims 9 and 21 be withdrawn.

In view of the amendments and reasons provided above, it is believed that all pending claims are in condition for allowance. Applicants respectfully request favorable reconsideration and early allowance of all pending claims.

If a telephone conference would be helpful in resolving any issues concerning this communication, please feel free to contact the Applicants' attorney of record, Iain A. McIntyre at (952) 253-4110.

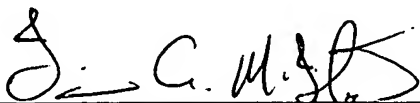
Respectfully submitted,

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